

FINAL



Town of Southern Shores

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Planning Board Meeting

August 19, 2019

5:30 p.m., Pitts Center

MEETING MINUTES

I. CALL TO ORDER:

Chairperson Morey called the meeting to order at 5:30 p.m. Planning Board Members Ed Lawler, Elizabeth Morey, David Neal, Don Sowder, Andy Ward, and ETJ Representative John Finelli were present.

II. PLEDGE OF ALLEGIANCE:

Chairperson Morey led the Pledge of Allegiance.

III. APPROVAL OF AGENDA:

Andy Ward motioned to approve the agenda. Don Sowder seconded the motion. The motion passed unanimously (6-0).

IV. APPROVAL OF MINUTES:

Chairperson Morey stated that she had submitted suggested revisions for the June 17, 2019 and July 15, 2019 Planning Board meeting minutes to Wes Haskett. Ed Lawler motioned to approve both sets of minutes as amended. Andy Ward seconded the motion. The motion passed unanimously.

V. PUBLIC COMMENT:

None.

VI. OLD BUSINESS:

- A. Discussion of Special Events and Occupancy Limitation Ordinance (Open forum to discuss possible options for event regulation to present to the Town Council for consideration).

Chairperson Morey explained that the agenda item would be an open discussion with the Board and Town Staff with no time limit for those wishing to speak or ask questions. She also provided a summary of what had been previously discussed by the Board and the Town Council, including the Town Council's decision to not adopt a Special Events Ordinance. The Council directed Town Staff to provide a few specific edits to an existing draft ordinance which had not been voted on. Also, the Council directed the Planning Board to provide suggestions for addressing the issue of an ordinance for Special Events. After discussion at the next Planning Board meeting, the Board directed the Chair, the Vice-Chair and Town Staff to come up with a list of suggestions - which they did. These suggestions were not incorporated into the edits made to the draft ordinance.

Ultimately, the Town Council decided not to adopt the edited draft Special Events Ordinance.

Vice Chairperson Andy Ward read these suggestions aloud and then stated that he would like to hear from stakeholders about suggestions and addressed the Town of Duck's Wedding Policy.

Chairperson Morey agreed that a policy may be beneficial to the Town and that having a policy would be a good educational opportunity.

The Board discussed parking on NC 12 and Wes Haskett stated that parking is currently allowed with the approval of a Right-of-Way Encroachment Agreement issued by the Police Department.

Don Sowder stated that the Town Council thought that a Special Events Ordinance was unnecessary, the Town Manager thinks it is unnecessary, and the Police Chief thinks that it is unnecessary. There are two major issues which are noise and parking and both are currently handled.

David Neal agreed with Don Sowder.

Chairperson Morey opened the floor for public comments.

Chris Toolan was opposed to a Special Events Ordinance. He addressed legislation recently signed by the Governor, SB483, which may prohibit the Town from regulating events on rental properties.

The Board and Chris Toolan discussed SB483.

Ann Sjoerdsma addressed SB483, the Town's current definition of Event Facility, and supported a Special Events Policy.

Porter Graham, Government Affairs Director with the Outer Banks Association of Realtors, addressed the Town of Duck's Wedding Policy and supported a Special Events Policy.

The Board and Porter Graham discussed Duck's Wedding Policy and enforceability issues with adopting a Wedding/Special Events Policy. Andy Ward read the definition of Policy.

Andy Ward asked Wes Haskett how the Town currently handles weddings or special events. Wes Haskett stated that there are applications on the Town website for obtaining a Special Events parking encroachment agreement and tent permit.

The Board discussed whether or not SB483 would prevent the Town from adopting a Wedding/Special Events Policy. Chairperson Morey motioned to ask Wes Haskett to obtain a legal opinion from the Town Attorney as to whether or not SB483 would prevent the Town from adopting a Wedding/Special Events Policy. Andy Ward seconded the motion. The motion passed unanimously.

B. Discussion of the Town's current requirements for building height and fill.

David Neal stated that he and Andy Ward had met with Wes Haskett, Mark Martin, Matt Neal, and Jeff Haskett to discuss potential language to address building height and fill and read the suggested language.

The Board discussed the proposed language and proposed language provided by Andy Ward. They discussed the use of 8 feet above mean sea level as the starting point for measuring building height for properties with an average grade that is less than 8 feet above mean sea level. The Board agreed on the proposed language submitted by Andy Ward.

Andy Ward addressed language he had suggested that would prohibit fill material from being redistributed or placed on a lot in the rear or side setback areas unless the final horizontal-to-vertical slope is equal to or less than 3:1. It would be calculated from the finished final grade to the rear and side property lines.

Chairperson Morey opened the floor for public comments.

Mark Martin addressed two properties he had been working on that are difficult to work with when applying the Town's current height and fill requirements. He supported using the 8 ft. reference point and did not support the horizontal-to-vertical slope criteria reference in the suggested language.

Matt Neal suggested keeping the language simple and keeping height and fill requirements separate.

The Board agreed to remove the slope reference from the proposed building height language.

David Neal motioned to ask Town Staff to draft a Zoning Text Amendment (ZTA) application that included the height and fill language as discussed by the Board.

John Finelli stated that there are other items to be addressed which includes a definition of fill and requirements for retaining walls.

Don Sowder seconded David Neal's motion.

Chairperson Morey stated that Town Staff can move forward with drafting the ZTA for now and John Finelli's input would be considered at the September 16, 2019 meeting.

Chairperson Morey called for a vote on the motion and the motion passed unanimously.

VII. NEW BUSINESS:

None.

VIII. PUBLIC COMMENT:

Chris Toolan addressed concerns with enforcement of policies and SB483.

IX. PLANNING BOARD MEMBER COMMENTS:

Don Sowder stated that it is critical for the Board to discuss algae and overall growth of the ponds in the Town. The Southern Shores Civic Association is discussing it but it is a Town issue, property value issue, and health issue. It is worth looking at and making recommendations to the Town Council.

John Finelli stated that Alligator Weed is the biggest problem which spreads by cutting it and people need to be informed.

Chairperson Morey stated that the Town Council will be voting on ZTA-18-09 PB01 (Nonconforming Lots) at their next meeting. Depending on what happens, the Board would be remiss if it did not address Mr. Chip Burden's situation.

X. ANNOUNCEMENTS:

Wes Haskett stated that the next scheduled meeting is September 16, 2019.

XI. ADJOURNMENT:

David Neal motioned to adjourn. Andy Ward seconded the motion and the meeting adjourned at 7:25 p.m.

ATTEST:

Elizabeth Morey, Chairperson

RESPECTFULLY SUBMITTED:



Wes Haskett, Deputy Town
Manager/Planning Director